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Denise Juneau
Superintendent

To: District Clerks/Business Managers, District Superintendents, and County Superintendents
From: Adam Anfinson, Financial Specialist
School Finance Division
Date: April 3, 2009
Subject: Governor has signed HB 432 into law; immediately amending the "Trustee Election by Acclamation" provisions

This message is to inform school districts that House Bill 432 has been passed and enacted by the 2009 Montana Legislature, and includes an immediate effective date. Previously, trustee elections were only allowed to be declared by acclamation when the number of candidates filing nomination petitions or declarations of intent to be a write-in candidate was equal to the number of positions to be elected. House Bill 432 amends the language in 20-3-313, MCA, which now reads as follows.

20-3-313. Election by acclamation -- notice. (1) If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate under [13-10-211](#) is equal to or less than the number of positions to be elected, the trustees may give notice that a trustee election will not be held. Notice must be given no later than 25 days before the election.

(2) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate of election to the candidate.

The deadline for a write-in candidate for a trustee position to file a declaration of intent is 5 p.m. on April 9, 2009. After this deadline, if the number of candidates filing a nomination petition or a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, school districts have only one day to declare an election by acclamation.

Most school districts include a provision in the "Trustee Resolution calling for an Election" that authorizes the election administrator to cancel any portion of the election, if it is later determined that the election is not necessary. However, if the resolution does not include that provision, trustees may need to schedule a meeting for the evening of April 9, 2009, in order to pass the necessary measures.

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Any trustee position that remains unfilled after declaring an election by acclamation should be considered vacant, pursuant to 20-3-308, MCA, and filled pursuant to 20-3-309, MCA. Any person assuming a trustee position under the provisions of 20-3-309, MCA shall serve until the next regular school election and a successor has qualified.

The election handbook and the necessary election forms can be accessed at the following location. <http://www.opi.mt.gov/SchoolFinance/ElecHB.html>

If you have any questions regarding this change, feel free to contact me at (406)-444-4524, or at aanfinson@mt.gov.